

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

JOHN JENNINGS, II

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Case No.: 3:06cr126-WHA

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, John Jennings, II, by and through his undersigned counsel, Kevin L. Butler, pursuant to 18 U.S.C. §§ 3161(h)(1)(I), (h)(8)(b)(i); 3161(h)(8)(b)(ii) and 3161(h)(8)(b)(iv), and moves this Court to continue his case past the presently scheduled date of January 14, 2007. As grounds for granting this Motion, Defendant would show the following:

1. Mr. Jennings is charged with using the mail (or means of commerce) to knowingly induce a person who has not attained the age of 18 to engage in sexual activity in violation of 18 U.S.C. § 2251(a).
2. Both parties agree that Mr. Jennings has mental limitations which may call for special custodial placement after sentencing.¹ Based upon unique issues stemming from investigating and locating the appropriate custodial placement of the defendant, the parties need additional time to resolve this case and prepare a plea agreement for review by this court.
3. Subsequently, it is in the interest of justice to continue trial.
4. Undersigned counsel has conferred with Mr. Jennings and he does not oppose the continuance.

¹ The exact nature of this placement is presently being negotiated.

5. The Government, through Assistant United States Attorney, Susan Redmond, has no opposition to a continuance.
6. While requests for a continuance are addressed to the sound discretion of the trial court, United States v. Darby, 744 F.2d 1508, 1521(11thCir. 1984),reh'g denied 749 F.2d 733, cert. denied, 471 U.S. 1100 (1985), in this case, it is in the interest of justice and within the discretion of the trial court to continue trial of this matter when the complex nature of a case necessitates granting the parties additional time to prepare the negotiated plea agreement to be considered by the court.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
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